

I.C.R. 42i. Nonsummary Proceedings - Trial.

Idaho Criminal Rule 42(i). Nonsummary Proceedings - Trial.

(1) Court trial or jury trial. The trial shall be before the court without a jury, provided, that if the respondent is charged with multiple counts tried in one proceeding, the court cannot impose consecutive criminal sanctions totaling more than six months in jail unless the respondent was given, or voluntarily waived, the right to a jury trial.

(2) Trial rights required to impose a criminal sanction. The court cannot impose a criminal sanction following a trial unless the respondent was provided the following rights: a public trial, compulsory process, the presumption of innocence, the privilege against self-incrimination, the right to call and cross-examine witnesses, the right to testify in one's own behalf, the right to exclude evidence that was obtained in violation of the respondent's Fourth Amendment rights, the right to counsel, if applicable, and the right to a unanimous verdict if there was a jury trial.

(Prior Rule 42 RESCINDED; New Rule 42 Adopted March 24, 2005, effective July, 2005.)

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